

Coroners (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

CLAUSES.

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SCHEDULE.

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B I L L

TO

Amend the Law relating to Coroners in Ireland.

A.D. 1891.

WHEREAS it is expedient to authorise coroners in Ireland to appoint deputies to act in their stead in certain cases, and to amend the law with respect to the appointment and payment of coroners, and the expenses of inquests, and to provide compensation for coroners obliged to give up their office, and to make provision with respect to the duties of such coroners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. That *from and after the passing of this Act*, the several parts of the Acts herein-after mentioned shall be and the same are hereby repealed; that is to say, so much of an Act passed in the fourth year of His late Majesty George the Fourth, intituled "An Act to regulate the amount of presentments by grand juries for payment of the public officers of the several counties in Ireland," and so much of an Act passed in the ninth and tenth years of Her present Majesty, intituled "An Act to amend the laws relating to the office of coroner and the expenses of inquests in Ireland," as relates to the election of coroners for counties continuing for two days, and their property qualification, and the payment of such coroners for counties, and so much of the said last-mentioned Act and the Schedule C. thereto as relates to the payment of poor witnesses attending at inquests.

Repeal.

Appointment of deputy.

2. *From and after the passing of this Act*, it shall be lawful for every coroner of any county, and he is hereby directed, by writing under his hand and seal, to nominate and appoint from time to time a fit and proper person, being a member of the legal or medical profession, to act for him as his deputy in the holding of inquests; such appointment being subject to the approval of the Lord Chief Justice of the Court of Queen's Bench, the Chief

[Bill 73.]

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A.D. 1881. Coroner in Ireland, and all inquests taken and other acts performed by any such deputy coroner, under and by virtue of any such appointment, shall be deemed and taken, to all intents and purposes whatsoever, to be the acts and deeds of the coroner by whom such appointment was made: Provided always, that a duplicate of the order of such appointment shall be forthwith transmitted to the clerk of the peace for the county in which such coroner shall reside, to be filed among the records of the said county: Provided also, no such deputy coroner shall act for any such coroner as aforesaid, except during the illness of the said coroner, or during his absence from any lawful or reasonable cause; and that every such appointment may at any time be cancelled and revoked by the coroner by whom the same was made.

Qualification of coroner.

3. From and after the passing of this Act, no person shall be elected or chosen to the office of coroner unless at the time of being so elected or chosen he is qualified as follows; that is to say,

- (a.) Is duly qualified to practise medicine or surgery, and registered as such under the Medical Act of 1858, or any Act amending the same;
- (b.) Is a barrister-at-law; or
- (c.) Is on the roll of solicitors or attorneys in one of the superior courts at Dublin; or
- (d.) Is a justice of the peace of five years standing.

Remuneration of coroner.

4. And be it enacted that, on and after the first day of November every county coroner, in lieu of the fees and allowances which, if this Act had not passed, he would have been entitled to receive, such annual salary, not being less than the average amount of the fees upon inquests held by him or his predecessor in said office during the five years last past, calculated at not less than two pounds ten shillings sterling, for each inquest held by him or his predecessor during said period; and also the average of all allowances actually received by every such coroner during said five years: And the grand jury of each county shall at the next assizes held after the passing of this Act fix the annual salary to be paid to each county coroner and his successors in lieu of fees and allowances: Provided always, that the treasurer of each county shall pay out of the county rates such salary or salaries to all such county coroner or coroners half-yearly; that is to say, on the first day of May and the first day of November in each year; and whenever, from death or removal, or any other

cause whatever, any county coroner shall not be entitled to a salary for the whole of a half year, a proportionate part of the salary shall be paid him, or, in case of his death, it shall be paid to his personal representative: Provided always, that in case any grand jury of any county and any county coroner shall be unable to agree as to the amount of the salary to be paid to such county coroner, it shall be lawful for the Lord Lieutenant General, or other chief governor or governors of Ireland, and he or they is or are required, upon application of any such grand jury, or any such coroner, on a statement of the case being laid before him or them, to fix and determine the amount of such salary, having regard to the averages as aforesaid, and also to the special circumstances of each case: Provided that nothing herein contained shall in any manner take away, alter, or deprive any such coroner of the right to be repaid out of the county rates the expenses and disbursements which may have been made by him on the holding of any inquest: And provided always, that every county coroner shall also be paid mileage for each mile travelled, going to and returning from each inquest, at the rate of *sixpence* per mile, which he may have travelled in order to hold such inquest: And be it further provided, that when upon the death or removal of any such coroner, the coroner of the adjoining district, in the same county, who shall be called upon to act as coroner in said vacant district, shall, for each inquest held by him in said district, be paid a sum of *two pounds ten shillings* sterling, which the grand jury of such county wherein such vacancy has taken place are hereby directed to pay out of the county rates to all coroners discharging such extra duties.

5. *From and after the passing of this Act*, so much of the Act ninth and tenth Victoria, chapter thirty-seven, as authorises the polling at elections for coroners to continue for two days shall be and the same is hereby repealed, and thenceforth such polling shall continue for one day only. Such polling shall be by ballot, in the same way as in the case of an election for members of Parliament.

6. *From and after the passing of this Act*, it shall and may be lawful for any coroner, deputy coroner, or two justices of the peace, by whom an inquest is held in Ireland, to pay to any poor witness, for each day of attendance at such inquest, any sum not exceeding *two shillings* per day, as shall seem just and reasonable, and to pay any sum, not exceeding *five shillings*, as shall be reasonable for the removal of any dead body from the place where such dead body was found to the house at which an inquest thereon is intended to be held.

A.D. 1861.

Polling to continue for one day.

Payment of witness.

A.D. 1881.

Supersession
of
coroner.

7. From and after the passing of this Act, no person shall continue to hold the office of coroner in Ireland after he has attained the age of seventy years, or after he has become incapable, from ill-health or infirmity, to discharge the duties of his office, and every coroner in Ireland who has attained the age of sixty 5 years, and served in that office for twenty-one years, shall be entitled, at his option, to retire from the office of coroner; and it shall and may be lawful for every such coroner who may so desire to retire, or who may be obliged to give up his office, to apply by counsel to the Court of Queen's Bench, or to a judge of assize 10 presiding in the county where such coroner resides, for a certificate or declaration that the applicant has attained the age of seventy years, or is incapacitated, by ill-health or infirmity, from discharging the duties of his office, or who, having attained the age of sixty years, has served in the office of coroner for twenty-one years (as 15 the case may be), and upon hearing such evidence as may be given in support of such application the court or judge before whom same is heard shall give such certificate, should the evidence given be sufficient to justify said court or judge of assize in so doing, and upon the production of any such certificate the coroner therein 20 named shall be thenceforth entitled to receive an annuity or yearly sum, being two thirds of the salary to which he was entitled as coroner, said annuity to be paid half-yearly, at May and November, in each year during such coroner's natural life, and every such annuity shall be payable out of and chargeable upon the funds 25 raised by fines and penalties in Ireland, and such annuities shall be paid, as herein provided, by the registrar or person in charge of the collection of all moneys and accounts connected with said fines and penalties; the receipt of each coroner entitled, as herein provided, to receive the same shall be a sufficient voucher for the payment 30 of said annuity: Provided always, that upon the death of any coroner in receipt of such annuity, his legal representative shall be entitled to a proportionate part of the current half year's annuity.

In case
coroner
refuses
inquest.

8. And be it enacted, that if any coroner shall in any case refuse or neglect to hold an inquest which, in the opinion of the 35 grand jury of the county, ought to have been held, it shall be lawful for such grand jury to apply to the Court of Queen's Bench, or to the going judge of assize, for a rule calling on such coroner to show cause why he did not hold such inquest, provided that two clear days notice in writing of such intended application 40 shall be personally served upon such coroner, and if at the hearing of said application such coroner shall, in the opinion of said court

or judge, fail to show sufficient cause for not holding such inquest, the court or judge shall direct such coroner to proceed to hold such inquest, or otherwise inflict upon said coroner such fine, not exceeding the sum of *ten pounds* sterling for each such case, as to such court or judge may seem right.

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9. In case no twelve of the jurors who may be sworn upon a coroner's inquest shall agree and return a verdict within such reasonable time as the coroner, deputy coroner, or the magistrates before whom such inquest is being held shall determine, such coroner, deputy coroner, or magistrates shall then be at liberty, and are hereby authorised to discharge such jury, and upon their discharge to proceed anew to have another jury summoned and sworn to hold an inquest (none of the former jurors to be eligible to serve upon said inquest), and obtain the attendance of witnesses thereat, as in manner provided for the holding of inquests, and shall so proceed until the verdict of a jury be obtained.

Jury on inquest.

10. And be it enacted, that when any person or persons shall be taken on charge or suspicion of being feloniously implicated in the death of the person on whose body an inquest is about to be or is being held, the coroner or deputy coroner doing duty at such inquest is hereby empowered, upon a proper information of the fact being taken in writing by such coroner or deputy coroner, to commit to prison the person or persons so charged or suspected, who shall be retained in custody until the result of the inquiry and the verdict of a jury on such inquest shall be had; whereupon such coroner or deputy coroner shall recommit or release such person or persons as may be right in pursuance of such verdict: And be it further provided, that all persons suspected or accused of being principals or accessories before the fact, if in custody, shall, upon a written order of the coroner presiding at any such inquest, be produced at the inquest or any adjournment of the same, and all such persons shall be allowed to hear the evidence given, and, if necessary, to cross-examine the witnesses as to such coroner may seem right.

Commitment of persons suspected of causing death.

11. In every case in which a coroner's jury shall have found a verdict of manslaughter against any person or persons, it shall be lawful for the coroner or deputy coroner before whom the inquest was taken to accept bail, if he shall think fit, with good and sufficient securities for the appearance of the person or persons so charged with the offence of manslaughter at the next assize and general gaol delivery to be holden in and for said county within which such inquest was taken, and thereupon such person or

Bail in cases of manslaughter.

- A. D. 1881. persons, if in the custody of any officer, or in a gaol under a warrant of commitment issued by such coroner, shall be discharged therefrom.
- Recognizances. 12. In every case in which any coroner or deputy coroner shall admit any person to bail, he shall cause recognizances to be taken 5 in the form given in the schedule of this Act, and shall, without unnecessary delay, return such recognizances to the clerk of crown for such county, and such coroner or deputy coroner shall be entitled to such fees and charges as the clerks of petty sessions are by law entitled to on admitting persons charged to bail. 10
- Depositions. 13. At any time after all the depositions of witnesses at any inquest shall have been taken, every person against whom any coroner's jury may have found a verdict of murder or manslaughter shall be entitled to have, from the coroner or from the person having custody of the same, copies of the depositions on which such 15 verdict shall have been found, on payment of a reasonable sum, not exceeding the rate of *twopennes* for every folio of ninety words.
- Interpretation. 14. In this Act the word "coroner" shall mean and extend to any person who is or shall be appointed coroner for any county, 20 county of a city, or riding or division of a county in Ireland; and the word "deputy coroner" shall mean any person or persons appointed to such office under the provisions of this Act, or otherwise lawfully holding an inquest in lieu, or in the absence of a coroner. 25
- Extent of Act. 15. This Act shall extend to Ireland only.

Coroners (Ireland).

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To amend the Law relating to Coroners
in Ireland.

*(Prepared and brought in by
Mr. Healy, Mr. Gray, and Mr. Barry.)*

*Ordered, by The House of Commons, to be Printed,
20 January 1881.*

[Bill 73.]

Under 2 oz.